

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JEFFERY J. MARKSMEIER,**

**Plaintiff,**

**v.**

**RANDY DALE DAVIE, individually and  
in his official capacity as police  
officer of the City of Wisner,  
Nebraska; MARK DELMONT,  
individually and in his official  
capacity as Cuming County Nebraska  
Deputy Sheriff; and LONNIE  
SCHULTZ, individually and in his  
capacity as police chief of the Village  
of Beemer, Nebraska.**

**Defendants.**

**CASE NO. 8:09CV30**

**ORDER**

This matter is before the Court on Defendant Mark Delmont's Motion for Extension of Time to File Reply Brief and Index (Filing No. 39) following the filing of Plaintiff Marksmeier's Brief in Opposition to Defendant Delmont's Motion for Summary Judgment (Filing No. 38) on July 1, 2009. In his Motion, Defendant Delmont states his reply brief and index are to be served on or before July 8, 2009, and he seeks an order extending that date to July 15, 2009. (Filing No. 39.) The Court, however, finds that the Defendant's calculation of July 8, 2009, is incorrect. Referencing NECivR 7.0.1(c), Fed. R. Civ. P. 6(a), and Fed. R. Civ. P. 5(b)(2)(E) through Fed. R. Civ. P. 6(d), the Court determines that Defendant Delmont's reply brief and index are to be served on or before July 14, 2009. The Court notes that this corrected date nearly meets the Defendant's suggested extension of time, and it finds that, regardless of the proposed extension, the corrected date provides

the Defendant adequate time to file his reply brief and index. Consequently, Defendant Delmont's Motion is denied.

Accordingly,

IT IS SO ORDERED:

1. The Defendant's Motion for Extension of Time to File Reply Brief and Index (Filing No. 39) is denied; and
2. The Defendant's response shall be filed on or before July 14, 2009, in accordance with the local and federal rules.

DATED this 2<sup>nd</sup> day of July, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge